

SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST

(in accordance with 40 CFR Part 51 - App. V)

SIP Submitted by: Maryland
 Date Submitted: May 15, 2018 – Received in Region 3: May 24, 2018
 Subject: New Regulations .01 - .04 under new Chapter COMAR 26.11.40 - NOx Ozone Season Emission Caps for Non-trading Large NOx Units to meet federal NOx (nitrogen oxides) SIP (State Implementation Plan) Call and amendments to Regulation .01 under COMAR 26.11.01 - General Administrative Provisions and Regulation .07 under COMAR 26.11.14- Control of Emissions from Kraft Pulp Mills Revision (SIP Revision #18-03)

Completeness Review Base File number MD305

Completed by: Christopher Cripps

Date Completed: August 22, 2018

Administrative Materials

ACCEPTABLE

EPA REQUIREMENT	STATE SUBMITTAL	(X)
1. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof.	Letter dated May 15, 2018 from Secretary Ben Grumbles to Mr. Cosmo Servidio, Regional Administrator, EPA Region 3. Received by EPA on May 24, 2018.	X
2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, or consent agreement in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.	Letter dated May 15, 2018 from Secretary Ben Grumbles to Mr. Cosmo Servidio, Regional Administrator, EPA Region 3. Copy of Notice of Final Action published in the Maryland Register (Volume 45, Issue 8, page 422) on April 13, 2018 adopting the amendments to COMAR 26.11.01 and 26.11.14 and adopting the new COMAR 26.11.40 as proposed by 45:4 Md. R. 224 — 227 (February 16, 2018). A copy of Maryland Register (Volume 45, Issue 4, page 224-227 [45:4 Md. R. 224 — 227]) of February 16, 2018. Effective Date: April 23, 2018 (45:8 Md. R. 422, April 13, 2018).	X

<p>3. Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.</p>	<p>Authority: Environment Article, §§1-404, 2-103, and 2-301—2-303, Annotated Code of Maryland – cited by Maryland Register, Volume 45, Issue 4, Friday, February 16, 2018, pages 226 in the proposed amendments to COMAR 26.11.01 and 26.11.14 and in the proposed new COMAR 26.11.40.</p>	<p>X</p>
<p>4. A copy of actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.</p>	<p>Letter dated May 15, 2018 from Secretary Ben Grumbles to Mr. Cosmo Servidio, Regional Administrator, EPA Region 3. Copy of Notice of Final Action published in the Maryland Register (Volume 45, Issue 8, page 422) on April 13, 2018 adopting the amendments to COMAR 26.11.01 and 26.11.14 and adopting the new COMAR 26.11.40 as proposed by 45:4 Md. R. 224 — 227 (February 16, 2018). A copy of Maryland Register (Volume 45, Issue 4, page 224-227 [45:4 Md. R. 224 — 227]) of February 16, 2018.</p>	<p>X</p>
<p>5. Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.</p>	<p>Letter dated May 15, 2018 from Secretary Ben Grumbles stating required administrative procedures were followed throughout the adoption process.</p> <p>Copies of the Notice of Proposed Action [45:4 Md. R. 224 — 227, February 16, 2018] and the Notice of Final Action [45:8 Md. R. 422, April 13, 2018] published in the Maryland Register.</p> <p>Copies of public notice and hearing as published on MDE's web site on February 15, 2018 through the end of comment period on March 20, 2018.</p>	<p>X</p>

<p>6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.</p>	<p>Opportunity for public hearing notification published in Maryland Register on February 16, 2018 (45:4 Md. R. 224-227), posted on MDE's website at http://mde.maryland.gov/programs/regulations/air/pages/reqcomments.aspx on February 15, 2018 (Certification Of Publication dated March 21, 2018), and public hearing held March 20, 2018 (March 20, 2018 Public Hearing Transcript</p>	<p>X</p>
<p>7. Certification that public hearings were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.</p>	<p>Certified hearing transcript "PUBLIC HEARING CONCERNING PROPOSED NEW REGULATIONS .01 — .04 UNDER NEW CHAPTER COMAR 26.11.40 NO_x OZONE SEASON EMISSION CAPS FOR NON-TRADING LARGE NO_x UNITS AND ASSOCIATED AMENDMENTS" submitted.</p>	<p>X</p>
<p>8. Compilation of public comments and the State's response thereto.</p>	<p>Maryland submitted:</p> <p>1) DEPARTMENT OF THE ENVIRONMENT AIR AND RADIATION ADMINISTRATION RESPONSE TO COMMENTS for the PUBLIC HEARING held on March 20, 2018 in BALTIMORE, MD related to amendments to COMAR 26.11.40; and</p> <p>2) Copies the comment letters (<i>en toto</i>).</p>	<p>X</p>

EPA REQUIREMENT	STATE SUBMITTAL	
1. Identification of all regulated pollutants affected by the plan.	The SIP regulates nitrogen oxides (NOx) from “Non-trading large NOx units” defined therein.	X
2. Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected area(s).	Applies to Maryland statewide under residual requirements of EPA’s NOX SIP call related to units not covered under subsequent transport mitigation provisions of EPA’s 40 CFR Part 96 CAIR NOx and SO2 Trading Programs for SIPs and Part 97 CSAPR NOx and SO2 Trading Programs. The four <i>existing</i> facilities/emissions units are identified at COMAR 26.11.40.02C and any new unit or modified unit which is subject to the applicability of the regulation (COMAR 26.11.40.01B.(8)).	X
3. Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.	No additional NOx emission reductions are projected [45:4 Md. R. 226, February 16, 2018].	X
4. The State’s demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented.	This action maintains existing emissions limitations of COMAR 26.11.14.07	X

5. Modeling information required to support the proposed revision, including input data, output data, models used, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.	N/A – no modeling analysis is required by the State. This regulation sets NOx caps for the ozone season as part of transport mitigation requirements set by EPA.	X
6. Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.	Not applicable for COMAR 26.11.40 that sets emissions allocations in tons for a 153-day period which allocation program limits only total reductions. Amendments to COMAR 26.11.14 requires compliance with emissions rates set in terms of mass of NOx per million Btu over a 30-day rolling period.	X
7. Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.	COMAR 26.11.40 requires monitoring, recordkeeping and reporting as required by 40 CFR Part 75, Subpart H (incorporated by reference). COMAR 26.11.14.07 (amended) relies on COMAR 26.11.14.07D(1) ¹ in the currently approved MD SIP (40 CFR 52.1070(c) – 26.11.14 “Control of Emissions From Kraft Pulp Mills” that likewise requires monitoring, recordkeeping and reporting as required by 40 CFR Part 75, Subpart H (incorporated by reference).	X
8. Compliance/enforcement strategies, including how compliance will be determined in practice.	DITTO	X
9. Special economic and technological justifications required by any applicable EPA policies. (If a policy is not appropriate, explain why.)	N/A	X

¹ In this revision §26.11.14.07D would be recodified as §26.11.14.07C.

<p>10. A Section 107 request must be accompanied by a maintenance plan demonstrating maintenance to the relevant NAAQS for at least 10 years after redesignation.</p>	<p>N/A – this is not a section 107 redesignation request.</p>	<p>X</p>
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